

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 10/730,899

Attorney Docket No.: Q74933

REMARKS

Summary Of The Office Action & Formalities

Claims 1-17 are all the claims pending in the application. By this Amendment, Applicant is canceling claims 14 and 5, amending claim 1, and adding new claims 18-20. No new matter is added.

Applicant kindly requests the Examiner to acknowledge the claim to foreign priority and to confirm that the certified copy of the priority document was received.

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on December 10, 2003.

The prior art rejections are summarized as follows:

1. Claims 1-17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tomlinson (US 3,698,551).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

1. Claims 1-17 In View Of Tomlinson (US 3,698,551).

In rejecting claims 1-17 in view of Tomlinson (US 3,698,551), the grounds of rejection state:

Tomlinson discloses a fluid dispenser assembly as seen in Figure 7, which comprises a fluid dispenser (53), a wrapper (54) encasing the dispenser at least in part, the wrapper defining at least one application zone for coming into contact with the dispenser (col. 4, ll. 58-67 onto col. 5, ll. 1-44), the dispenser assembly being characterized in that the dispenser comprises a body (58) forming at least one substantially cylindrical segment, the segment defining an affixing zone for coming into contact with the application zone

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of the wrapper as seen in Figure 7. The device shown by Tomlinson will perform the method recited in claims 16-17 during normal operational use of the device.

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Claim 1 covers a fluid dispenser assembly comprising a wrapper having side edges acting as gripping zones and a dispenser having a head actuable while maintaining the assembly by the wrapper edges.

According to the present invention as recited in claim 1, such an assembly allows one to have a wrapper that can be gripped by the user so as to actuate the dispenser head, such as a pump.

US 3,698,551 to Tomlinson, on the other hand, discloses a system for displaying small articles on which information about these articles can be indicated (such as product composition). Indeed, as specified at column 1, lines 6-13, of Tomlinson, such a system serves to retain the articles in the open-faced pocket of a display board. These articles can be plastic bottles, however, the patent does not teach or suggest a dispenser provided with a pump in such a display board.

In Tomlinson, label portion 18 is used to attach the article 13 to a display board 12. As clearly explained in the text of the patent (*see, e.g.*, column 2, lines 40-47) the label portion 18 needs to be separated in order to dispense the product contained in the article.

Consequently, the wrapper recited in claim 1 (which is used to grip the dispenser assembly so as to enable the actuation of the dispenser head) has an entirely different purpose from the wrapper in Tomlinson (which only serves to support and fix an article on a label board and is clearly not structured to be used to grip the dispenser for actuation).

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Moreover, the problem solved by Applicant's invention as recited in claim 1 is completely distinct from the disclosure of Tomlinson. Accordingly, a man skilled in the art would not consult Tomlinson to achieve the objectives of the present invention, and even if Tomlinson were consulted, the structure of the assembly recited in claim 1 would not be considered as obvious in view of Tomlinson.

In view of the foregoing, claim 1 and claims dependent therefrom are believed to be allowable.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 18-20. Claim 18 is allowable at least by reason of its dependency. Claims 19 and 20 are allowable, because the prior art does not teach or suggest at least a dispenser assembly that is "structure to be actuated by gripping one or both wings while depressing the dispensing head."

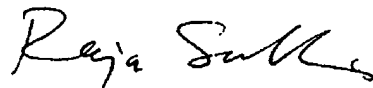
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,



Raja Saliba
Registration No. 43,078

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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